

Application No.: 10/686370

Docket No.: CTW-025

**REMARKS**

Applicant notes with appreciation that the Examiner deems claims 4-9 to recite patentable subject matter. Upon entry of this response, no claims are amended. Hence, claims 1-13 are pending, of which claims 1 and 13 are independent. Applicant respectfully submits that the pending claims define over the art of record.

In this first non-final Office Action, the Examiner rejects claims 1-3 and 10-13 under 35 U.S.C. §103(a) as being obvious over United States Patent No. 6,346,793 to Shibata et al. (hereafter "Shibata") in view of United States Patent No. 5,107,075 to Currier (hereafter "Currier"). Applicant respectfully submits that the Shibata reference and the Currier reference, either alone or in combination, do not teach or suggest protective means capable of *linear movement* in the predetermined direction as required by independent claim 1.

The claimed invention relates to a battery charger device including a linearly slidable terminal cover. An advantage of the claimed invention is that the charger device provides necessary protective means for the terminals and yet maintaining the relatively small size of the device. There is no need to allocate or reserve space within the battery charger housing to allow the terminal cover to be retracted inside the charger and therefore eliminates the unnecessary increases in the size of the entire charger device. See, page 2, paragraphs 2 and 3 of the present application.

The Examiner recognizes that the Shibata reference does not disclose the protective means capable of linear movement in the predetermined direction but suggests that the Currier reference teaches this missing limitation on pages 2-3 of the Office Action.

The Currier reference relates to a slidable safety cover for electrical outlets. The motivation of the Currier reference is not to reduce the size of the device but rather to create a simple slidable cover with locking means to avoid unauthorized opening by children. Hence, there is no motivation to combine the teachings of the Currier reference with the teachings of the Shibata reference to create a battery charger device with protective means capable of linear movement in a predetermined direction so as to reduce the overall size of the charger device.

Application No.: 10/686370

Docket No.: CTW-025

Applicant respectfully submits that the combination of the Shibata reference and the Currier reference does not teach or suggest protective means capable of *linear movement* in the predetermined direction as required by independent claim 1. Applicant respectfully request that the Examiner reconsider and withdraw the rejection of claim 1.

Applicant notes that dependent claims 2-12 recite separate patentable subject matter. As such, for this and the reasons set forth above, dependent claims 2-12 also define over the art of record.

Independent claim 13 recites the limitation of a slide cover being abutted and linearly slid by the battery pack to a second position. The Examiner recognizes that the Shibata reference does not disclose the limitation of a slide cover being *linearly slid* by the battery pack to a second position but suggests that the Currier reference teaches this missing limitation on page 4 of the current Office Action.

The arguments above regarding the failure of the Currier reference to teach or suggest the element of protective means capable of *linear movement* apply with equal force here and are reiterated as if set forth in full. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 13.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: June 10, 2005

Respectfully submitted,

By Anthony A. LaVantano  
Anthony A. LaVantano  
Registration No.: 38,220  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney For Applicant